IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SECOND DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 20495 of 1998

Between:

1 Lakshmi Enterprises, Guntur, a partnership firm Rep. by Managing Partner L. Veeraiah, S/o Somaiah R/o Guntur.
2 N. Sudhakar, S/o Srinivasa Rao, R/o Nidadavolu, Guntur District.

..... PETITIONERS

AND

1 Government of Andhra Pradesh, Rep. by its Secretary,
Transport, Roads & Buildings Department, Secretariat, Hyderabad.
2 The Engineer-in-Chief, Roads & Buildings Dept. Erramanzil, Hyderabad.
3 The Superintending Engineer, R & B, Guntur, Guntur District.
4 The Executive Engineer, R & B, Guntur, Guntur District.
5 The Executive Engineer, R & B, Tenali, Guntur District.
6 The Executive Engineer, R & B, Narasaraopet, Guntur District.
7 The Executive Engineer, Panchayat Raj Department, Tenali, Guntur District.
8 The Superintending Engineer, Panchayat Raj, Guntur, Guntur District.
9 Municipal Corporation, Guntur, Guntur District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more in the nature of Mandamus declaring the G.O.Ms.No.6, Tr.R & B Dept. dt; 12-1-1996 as illegal, arbitrary and irrational and consequently direct the respondents to restore old procedure for recovering the seigniorage charges from the bills of Contractors by the respondents in accordance with G.O.Ms.No.205, T.R. & B dt: 8-10-1993.

Counsel for the Petitioners: MR.B.ADINARAYANA RAO

Counsel for the Respondent Nos.1 to 8: GP FOR TRANSPORT

Counsel for the Respondent No.9: MR.T.S.VENKATARAMANA

The Court made the following :

ORDER:

This writ petition is filed seeking to declare the G.O. Ms.No.6 Transport, Roads & Buildings Departments, dated 12-01-1996 as illegal, arbitrary and irrational and consequently to direct the respondents to restore the old procedure for recovering the seigniorage charges from the bills of the petitioners-contractors in accordance with G.O.Ms. No.205
Tr & B, dated 08-10-1993.

It is submitted by the learned Government pleader for Transport and admitted to by the learned counsel for the petitioners that the subject matter of this writ petition is squarely covered by the common order passed by this Court in W.P. No.7456 of 1998 and batch, dated
07-10-1998.

In the circumstances, following the common order of this Court in W.P. No.7456 of 1998 and batch, dated 07-10-1998, this writ petition is dismissed for the same and similar reasons. No costs.

However, it is made clear that the conditions stipulated in G.O. Ms. No.6, dated 12-01-1996 are applicable only in respect of the contracts for which the agreements are executed on or after 12-01-1996, and the works covered prior to that date shall be processed under G.O. Ms. No.205, dated 08-10-1993. If the petitioners had already drawn their bills pending payment of seigniorage fee, they shall now pay the same within a period of eight weeks from today, if not already paid. If the petitioners failed to comply with the condition, they shall also pay the penalty of five times, if the agreements are concluded and civil works carried out beyond
12-01-1996, within a period of six weeks from today.

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N.V. RAMANA, J

Date: 22-03-2005

Svv

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Secretary, Government of Andhra Pradesh,
Transport, Roads & Buildings Department, Secretariat, Hyderabad.
2 The Engineer-in-Chief, Roads & Buildings Dept. Erramanzil, Hyderabad.
3 The Superintending Engineer, R & B, Guntur, Guntur District.
4 The Executive Engineer, R & B, Guntur, Guntur District.
5 The Executive Engineer, R & B, Tenali, Guntur District.
6 The Executive Engineer, R & B, Narasaraopet, Guntur District.
7 The Executive Engineer, Panchayat Raj Department, Tenali, Guntur District.
8 The Superintending Engineer, Panchayat Raj, Guntur, Guntur District.
9 The Commissioner, Municipal Corporation, Guntur, Guntur District.

10 Two CCs. to the Government Pleader for Transport, High Court Buildings, A.P., Hyderabad (OUT).

11 Two CD copies

Enclosed along with a copy of judgment/order, dated 07-10-1998 made in W.P. No.7456 of 1998 and batch.

*Form-NIC-OGS/WP{**KRD**}*